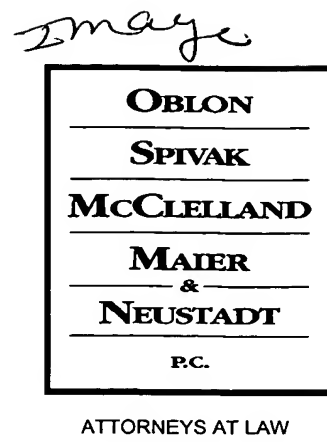




Docket No.: 217925US0X PCT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



RE: Application Serial No.: 10/030,269
Applicants: Toshio OTA, et al.
Filing Date: June 27, 2002
For: AMYLOID-BETA PROTEIN AGGREGATION-
REGULATING FACTORS
Group Art Unit: 1653
Examiner: Robert Wax

SIR:

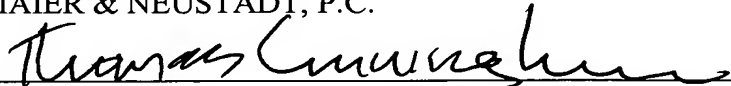
Attached hereto for filing are the following papers:

Election & Response to Restriction/Lack of Unity Requirement

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


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DOCKET NO: 217925US0X PCT



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
TOSHIO OTA, ET AL. : EXAMINER: ROBERT WAX
SERIAL NO: 10/030,269 :
FILED: JUNE 27, 2002 : GROUP ART UNIT: 1653
FOR: AMYLOID-BETA PROTEIN :
AGGREGATION-REGULATING
FACTORS

ELECTION & RESPONSE TO RESTRICTION/LACK OF UNITY REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction/Lack of Unity Requirement mailed January 26, 2004, the Applicants elect with traverse **Group I**, Claims 18, 21-25, 37, 39-43 and 54, directed to DNA, vector, host cell, and methods for making proteins. The Applicants have assumed for purposes of election that Group IV refers to Claims 29 and 47.

The traverse is on the basis that the Office has not established that the different groups are independent and distinct from one another. The Applicants submit that the subject matter of the various groups is interrelated. For example, nucleic acid products, such as sense and antisense sequences (Group VIII) are intimately interrelated and methods using the nucleic acids such as Groups IV and IX are clearly related to the underlying products. Moreover, the Applicants respectfully submit that no undue burden would be imposed in examining these groups together in view of the similar subject matter is encompassed by each group.

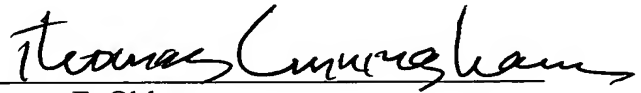
Application No. 10/030,269
Reply to Office Action of January 26, 2004

In the event that the restriction requirement is maintained, the Applicants respectfully request that the claims of the nonelected groups which depend from or include all the limitations of those of elected Group I, be rejoined upon an indication of allowability for the elected claims, see MPEP 821.04.

Accordingly, the Applicants respectfully request that the Restriction/Lack of Unity Requirement be withdrawn and all the claims be examined together.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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